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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,411	01/23/2004	Craig A. Wilensky	B-7258	4554

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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,411

Applicant(s)

WILENSKY, CRAIG A.

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Acknowledgment is made of Amendment filed April 3, 2006.

Drawings

2. The drawings are objected to because, for example, figures 1, 3, 5, and 6C are dark and blur, which are not readable. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they

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must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 15, 16, 17, ... 23 have been renumbered 16, 17, 18, ... 24.

Renumbered claim 16 is depending on claim 15, which has been canceled by applicant.

For the purpose of examination, the renumbered claim 16 has been changed to be depending on independent claim 1. *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-12, 14, 17-21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman et al (US 6,189,788; hereinafter "Sherman") in view of Collins, Jr. (US 5,149,947).

Re claims 1-2, 6-12, and 18-21: Sherman et al teaches a device for performing a task at a point of activity, comprising

a frame (160, 161, 168, 169 in figs. 8-9; column 10, line 51 through column 11, line 5);

a computing device (10 in figs. 1, 4, and 10) connected to the frame and operably linked to a power supply (133, 171 in fig. 10; column 11, lines 6-26; column 6, lines 64-66);

a barcode scanner (75 in fig. 2) operably linked to a barcode receiver on the frame (column 7, lines 3-24; column 5, lines 25-29; column 6, lines 14-17); and

a printer (83, 81 in fig. 10) for printing barcodes (column 8, lines 11-15).

Sherman does not specifically teach the power supply is configured and arranged so as to output a voltage lying in a predetermined range for a standard AC voltage and wherein the computing device and peripherals thereof are configured so as to be powered by the standard AC voltage.

Collins, Jr. teaches incorporating the AC voltage (cable 64, electrical outlet 66) for supplying the power to the computing device (figs. 2-3; column 3, lines 21-61).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the AC voltage for supplying the power to the computing device to the teachings of Sherman due to the fact that if the internal rechargeable battery(s) are depleted/damaged one can still transport the computing device to an electrical outlet and complete his/her transaction. Accordingly, such modification could provide Sherman et al with an alternative means for powering the computing device.

Re claim 3: Sherman teaches the portable computing device 10 is a RF portable computer (column 5, lines 16-29), which is a wireless handheld computer.

Re claims 5 and 14: Sherman et al teaches a back plate 168 that receives the computing device wherein the back plate is tiltably mounted on the frame (fig. 9; column 11, lines 1-5).

Re claims 17 and 24: Sherman et al teaches the DC power source is one or more rechargeable type of batteries (133, 171 in fig. 10; column 11, lines 6-26).

6. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman as modified by Collins, Jr. as applied to claim 1 above, and further in view of Sturr, Jr. (US

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2004/0143512 A1). The teachings of Sherman as modified by Collins, Jr. have been discussed above.

Sherman as modified by Collins, Jr. fails to specifically teach the computing device 10 is a wireless 802.11b computer.

Sturr, Jr. teaches a plurality of store servers in order to create total corporate information on all sold items from all stores, or for a single store sales using a wireless network such as a network operating on 802.11b protocol for communication (paragraph 26).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the wireless 802.11b network protocol as taught by Sturr, Jr. to the teachings of Sherman as modified by Collins, Jr. in order to provide a secure, fast and latest wireless Ethernet communication technology.

7. Claims 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman as modified by Collins, Jr. as applied to claims 1 and 22 above, and further in view of Potega (US 6,459,175). The teachings of Sherman as modified by Collins, Jr. have been discussed above.

Sherman as modified by Collins, Jr. does not disclose a DC/AC converter as set forth in the claims.

Potega teaches an intelligent universal power supply converter device for accommodating any types of electronic devices wherein Potega also discloses the DC/AC converter (column 11, lines 54+; column 40, lines 40-54).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ the intelligent universal power supply converter as taught

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by Potega into the teachings of Sherman as modified by Collins, Jr. in order to accommodate any existing specifications of electrical or electronic equipment already in use and any future product/equipment. Moreover, such modification would allow Sherman as modified by Collins, Jr. device to accommodate other electronic devices when AC power is needed, such as, an additional computing device.

Response to Arguments

8. Applicant's arguments filed April 3, 2006 have been fully considered but they are not persuasive.

9. In response to applicant's argument that

“Applicant's invention is directed to a mobile wireless computer system that is powered by a mobile power source. It would not have been obvious to look to Collins, since Collins merely discloses a cabled scanning terminal which has a housing for placing on a cart, in particular, handles of two oppositely positioned grocery carts. Therefore, Collins, unlike the Applicant's present invention, does not relate to a mobile wireless computer system which is functional remote from fixed power sources...” (page 12, lines 9+)

the examiner respectfully submits that the presently claimed language does not distinguish the power supply as set forth in independent claims with the prior art power supply, such as the cable 64 and/or electrical outlet 66 which is stationary as taught by Collins Jr.

Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “Applicant's invention is directed to a mobile wireless computer system that is powered by a mobile power source” see page 12, lines 9+) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'KDN', with a long horizontal flourish extending to the right.

KDN

June 20, 2006